

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
ST. JOSEPH DIVISION**

CHRISTINA FRANCIS and COLE  
FRANCIS, individually and on behalf  
of all those similarly situated,

Plaintiffs,

v.

WAUSAU HOMES INCORPORATED,  
and PHILLIPS BUILDERS, LLC,

Defendants.

Case No. 5:23-cv-06019

**NOTICE OF VOLUNTARY DISMISSAL**  
**WITHOUT PREJUDICE AS TO COUNT VI ONLY**

COME NOW Plaintiffs Christina Francis and Cole Francis (“Plaintiffs”), by and through their undersigned counsel, and Pursuant to Fed. R. Civ. P. 41(a) hereby file a voluntary dismissal without prejudice as to Count VI (Third Party Beneficiary) of their Complaint. This voluntary dismissal is limited to Count VI only and to no other Counts in the Complaint.

Dated: May 10, 2023

Respectfully submitted,

**KEANE LAW LLC**

/s/ Tanner A. Kirksey

Ryan A. Keane, #62112MO  
Tanner A. Kirksey, #72882MO  
7711 Bonhomme Ave, Suite 600  
St. Louis, MO 63105  
Phone: (314) 391-4700  
Fax: (314) 244-3778  
[ryan@keanelawllc.com](mailto:ryan@keanelawllc.com)  
[tanner@keanelawllc.com](mailto:tanner@keanelawllc.com)

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served electronically upon all counsel of record via the CM/ECF system on May 10, 2023.

/s/ Tanner A. Kirksey